



# **STANDING COMMITTEE ON HUMAN SERVICES**

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## **STANDING COMMITTEE ON HUMAN SERVICES**

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Mr. Ryan Domotor  
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Mr. Derek Meyers  
Regina Walsh Acres

Mr. Hugh Nerlien  
Kelvington-Wadena

Ms. Alana Ross  
Prince Albert Northcote



[The committee met at 17:12.]

**The Chair:** — Well good afternoon, colleagues. I would like to welcome you to the Standing Committee on Human Services. My name is Ken Cheveldayoff. I'm the MLA [Member of the Legislative Assembly] for Saskatoon Willowgrove. And committee members present are Mr. Ryan Domotor, Mr. Muhammad Fiaz, Mr. Derek Meyers, Mr. Hugh Nerlien, Ms. Alana Ross, and substituting for Ms. Meara Conway will be Ms. Carla Beck. Today we'll be considering two bills. We'll first consider Bill No. 66 and then move on to Bill No. 60.

**Bill No. 66 — *The Education (Safe Access to Schools) Amendment Act, 2021/Loi modificative de 2021 sur l'éducation (accès sûr aux écoles)***

**Clause 1**

**The Chair:** — We will now begin consideration of Bill No. 66, *The Education (Safe Access to Schools) Amendment Act, 2021*, a bilingual bill. Clause 1, short title.

Minister Duncan is here with his official. I would ask that the official please state their names before speaking at the microphone. As a reminder, please don't touch the microphones. The Hansard operator will turn your microphone on when you are speaking to the committee. Mr. Minister, please introduce your official and begin your opening remarks.

**Hon. Mr. Duncan:** — Thank you, Mr. Chair. Today with me is Assistant Deputy Minister Rory Jensen and my chief of staff, Mitch Graw.

These amendments to *The Education Act, 1995* will ensure students and staff have safe access to Saskatchewan schools without fear of threats or harassment especially as vaccines are rolled out for children 5 to 11.

Earlier this month, an amendment to *The Public Health Act, 1994* was introduced in the legislature aiming to protect health care workers, patients, and families by creating safe access zones around hospitals. The amendments to *The Education Act* are closely aligned to these changes. These provisions prevent impeding, intimidating, or protesting within a 50-metre area surrounding Saskatchewan's 67 provincial, regional, district, and community hospitals.

This bill will provide the same level of protection to students, teachers, staff, and parents across our province. This amendment will create a similar 50-metre safe access zone around Saskatchewan's more than 700 schools. These changes will prevent sidewalk protests which can cause obstructions, delays, and anxiety for those entering and exiting our schools. When our students arrive at their school, their focus should be on getting the most out of their education. No one should be impeded from going to school. There's also a regulation-making authority to permit zone extensions of up to 150-metre zones.

We've seen similar steps proposed for both hospitals and schools in several other provinces, including British Columbia, Alberta, Manitoba, Ontario, Quebec, and Nova Scotia. These provisions provide the safe and secure environment teachers, administration

staff, parents, and children deserve while still allowing for citizens to exercise their right to peacefully protest outside of the proposed safe access zones. This legislation will also allow for lawful labour picketing within the aforementioned 50-metre areas.

[17:15]

Similar to the provisions put forth regarding the creation of safe access zones for hospitals, this legislation is not intended to be permanent. Instead these amendments are set to expire two years after the date the legislation comes into force. The safety and well-being of our students and school staff is our top priority, and it's for this reason, Mr. Speaker, that we have proposed this amendment. And I would be now pleased to take the committee's questions. Thank you.

**The Chair:** — Thank you, Mr. Minister. Ms. Beck, the floor is yours.

**Ms. Beck:** — Thank you, Mr. Chair, and thank you to committee members here this evening as well as the minister and his officials. And thank you for the opportunity to ask some questions on Bill 66. Minister, we had a little bit of time in second readings with this bill, but it was something, as I noted in my remarks, that we wanted to make sure was brought into force as quickly as possible. I think there is an alignment of the desire to ensure that children are not impeded — or employees or parents — from school activities or on their way to school.

I do have some questions though that I would like to go through, and I think I'll start with a bit of preamble and then a couple of questions at the end. You noted, Minister, that this bill closely mirrors *The Public Health Act* amendment bill. I think some know it as a bubble-zone bill. It follows that by a couple of weeks anyway. Just wondering if there was any particular incident or set of instances that brought this bill about. And the other question is just around the extent of the consultations prior to Bill 66 being read a first time in the House.

**Hon. Mr. Duncan:** — Thank you for the question, Ms. Beck. On the first part I would say that when we were looking at the possibility of amending *The Public Health Act* that would allow for this type of protection around hospitals, certainly as a part of those deliberations, there was discussion about, are there other types of institutions that this type of protection would be warranted? And so certainly that turned our attention towards schools.

So I would say there was no particular incident that would have triggered that. I think that that was a part of the discussion around the initial safe access to hospitals discussion. Although anecdotally there have been a couple of incidents certainly that I'm aware of across the province where picketers or protesters were at schools.

In terms of consultation, so with the regular meetings that take place with education stakeholders, this has been discussed, and certainly there was broad support by folks in the sector that the government extend protection to schools.

**Ms. Beck:** — Was there a particular table or set of consultative

meetings that were held, or this was just in the normal course of talking with stakeholders in the sector?

**Hon. Mr. Duncan:** — No, it was just in the normal course of regular contact with the education sector. There wasn't a stand-alone forum that was set up to discuss this. It just came about as a part of the regular discussions.

**Ms. Beck:** — Thank you, Minister. In your second reading comments, in the first paragraph you note that this bill comes particularly ahead of the rollout of the vaccine for 5- to 11-year-olds. Could you expand upon that, why it was deemed necessary ahead of those vaccine rollouts to have this legislation in front of us?

**Hon. Mr. Duncan:** — Thank you for the question, Ms. Beck. I think that I'll talk a little bit about the process. Obviously this is an amendment to *The Education Act*. There was some consideration of was there the ability to add schools in the previous . . . the other Act that is before the legislature, whether we could do it at the same time. It was determined . . . So it takes a little bit of time.

But I think once we started to seriously consider providing this type of protection, then it becomes, what's the best way under the legislation we can do it? Could it be kind of amending one Act? Does it have to be *The Education Act*? So that takes a little bit of time. I think just knowing though the tone and tenor of some of the public commentary around vaccinations and children and wanting as much as possible to protect kids from that type of views and language. And knowing, you know, I think what we did know in the last number of weeks is that the national regulatory bodies would be getting closer to making a decision on children's vaccinations.

And so I'll say, certainly appreciate your willingness to move this bill to committee as quickly as we have. I really appreciate that. So I think a number of factors, kind of, to your question. Knowing that we were getting close to a decision on children's vaccinations and then obviously what that would look like to the rollout, we wanted to get an amendment in place and provide that protection sooner than later.

**Ms. Beck:** — Thank you for that. So what I'm hearing in part and what I've read with regard to the pediatric rollout is that a number of schools — I think the last I read was 100 schools — would be used as vaccination sites for the pediatric clinics. So just checking in with that. And the legislation prohibits besetting and interfering with children on their way to school. So just confirming that this is to offer some protection during school hours when those pediatric clinics are taking place in schools. Is that correct?

**Hon. Mr. Duncan:** — Thank you for the question. So I can't provide an answer. I know the 100 number is the one that you have referenced, and I know the SHA [Saskatchewan Health Authority] wants to be flexible on that number, so they're working with school and school divisions. And some of that could be during school hours; some of that could be after school hours. So that number I think will change likely over time, depending on the SHA's rollout.

And I want to be clear. The protection extends beyond just the

school hours. So in the event that clinics are taking place after school, the amendment would provide that protection in those hours as well. So it's not just a school-hour-based amendment.

And certainly knowing that the potential for vaccine clinics to be in or around schools, or close to schools, likely would potentially make those locations a target for people wanting to express their views on vaccinations and childhood vaccinations, you know, we thought it was important to provide that protection, whether it be specific to vaccinations themselves or, frankly, any public health orders that those of the public may disagree with.

**Ms. Beck:** — So just to clarify, I think I heard you say that vaccination clinics might happen during school hours as well as outside of school hours, and this would apply to both.

**Hon. Mr. Duncan:** — That's correct.

**Ms. Beck:** — Okay. I know that earlier in the year, so June, we had a number of clinics for those then eligible, so the 12- to 18-year-olds, in schools. Just wondering on a high level if there were concerns then about protests or actions that would be dealt with by this legislation, or if this is . . . I guess I'll leave the question there.

**Hon. Mr. Duncan:** — I'm not aware of any specific incidents that took place from the initial rollout of the 12-and-over students, but certainly the protection for those schools would apply to those schools as well. So in the event that there perhaps would be any demonstrations against any public health orders or vaccination clinics themselves, they would apply to those schools. So this is not specific just to the fact that the 5 to 11s are now eligible. This would protect all schools.

[17:30]

**Ms. Beck:** — And you know, having a number of the same or similar stakeholder meetings and checking in about how that rollout happened in June, I understand there was fairly good uptake with those school-based clinics. There was the ability at that point for students to present consent forms. Is that how this will roll out as well?

**Hon. Mr. Duncan:** — So for students there will be a parental consent form as well as a parent or a guardian would accompany the child. And that is the same whether this is a school-based clinic or whether it's an SHA, a pop-up or a drive-through clinic, or even a pharmacy. So the rules around the vaccinations for this age group will apply whether it's in a school or not.

**Ms. Beck:** — So the change from June is now a parent must be present in the . . . because that was not the case in June?

**Hon. Mr. Duncan:** — Yeah, that's right.

**Ms. Beck:** — Was there a reason for that change? And the reason I ask . . . And I started my comments by prefacing, you know, the points of alignment and agreement here. Certainly we don't want to see any barriers to children attending school nor do we want to see barriers to them receiving their vaccine. I'm just curious as to the reason for that change.

**Hon. Mr. Duncan:** — Thank you for the question, Ms. Beck.

It's my understanding that this is consistent for the SHA's process for delivering any types of vaccinations particular to this age group.

The other change though is that, so the 12-and-overs, you could have a mature minor's consent without a parent, and so it becomes the . . . You know, some parents would . . . Under a process where a parent would have to accompany, conceivably you'd have the issue of . . . Obviously it would only be the parents that are consenting to their child. What happens if a mature minor decides to get vaccinated against the wishes of their parent, and their parent doesn't want to show up at the school? So we don't have the issue of the mature minor when we're dealing with the 5 to 11s.

**Ms. Beck:** — Is this a departure from other vaccination clinics? And I'm trying to think of . . . for example HPV [human papilloma virus] consent forms that are being delivered in schools. Does this just apply to the pediatric COVID vaccination or are there other vaccinations that this applies to?

**Hon. Mr. Duncan:** — Thanks for the question. It's our understanding — and we'll endeavour to confirm this with the committee — but it's certainly our understanding that this is consistent with the pediatric immunization programs within schools. Again I believe the age group that you'd be looking at for things like HPV, you'd be getting into that mature minor type of age group. But it's our understanding this evening that this is consistent with pediatric immunizations that run in school, that there would be a parent that would be required to be present.

**Ms. Beck:** — So thank you for that, Minister. Just to be transparent, one of the reasons I'm asking is because it does appear that there was initially indication that those who could not attend school for reasons of work, what have you, would have the ability to send a consent form with their child to school and thus, you know, without delay allow that child — with proper consent of course — to receive that during the clinics at the school. If that was the case, why did it change? And when did it change?

**Hon. Mr. Duncan:** — Thanks for the question. So my understanding is that the SHA had considered that initially when they were looking at the 5 to 11 rollout. They decided not to go in that direction though after making the decision to go outside of regular school hours. So I think when they were looking at if clinics were just being offered in school hours, they were looking at if that would be a valid way for a parent to provide consent.

But once they decided to move towards after school hours and also allowing pharmacies to do it and opening up the different avenues of opportunities for students to be vaccinated, then they went away from just allowing a student to bring a consent form without a parent being there.

So I think when they were looking at it in a more limited fashion and not being as accessible for parents, especially working parents that maybe wouldn't be able to take the time off and come to the school and be there in person, but when they broadened the discussion beyond that to look at more opportunities outside of school hours, they moved away from that idea.

**Ms. Beck:** — Okay. My understanding that at least some were

surprised rather recently about this change. Do you know when exactly that change happened in direction?

**Hon. Mr. Duncan:** — I don't have a date. In the last couple of weeks before, it seems, before the official announcement that the vaccination was approved for that age group. But I don't have a date of when that happened.

**Ms. Beck:** — Thank you for that. Of course, yeah, the reason I'm asking other than to clear some of that up is just, you know, an interest, and I'm sure we share it, to reduce those barriers — I know there was a recent study noting, you know, the socio-economic implications of where vaccine uptake has been high and been low — and making sure that we're addressing those barriers. Certainly having clinics outside of standard work times would be helpful for some families but not all families.

But I do think I will move on, and I appreciate your answers to those questions.

One of the things that I wanted to ask about, you mentioned it again tonight and on November 24th, is sort of . . . There is a definition in the bill, but twice have mentioned preventing sidewalk protests. And I know explicitly the Act states that it does not include lawful labour protests. I'm wondering if — it sounds like we're talking almost exclusively about concerns around actions around mandates and masking and the vaccination — if there are other forms of protest that might be prevented or dissuaded with this bill.

**Mr. Jensen:** — Rory Jensen. So we did contemplate the various types of protests that could occur at a school site. And when working with colleagues at the Ministry of Justice, we had a discussion about whether you could limit, specify what was allowed to be protested and what was not.

The concerns were raised about trying to distinguish that within the bill, open the bill up to easier challenge to be struck down and allow any type of protest. So specifically we didn't identify anything besides the labour within this bill. However the enforcement of the bill would be at the direction of local law enforcement, and dealing with the guidance of school administration on what is truly preventing the delivery of services at a school.

**Ms. Beck:** — Okay, thank you. I think you anticipated my next question was around who has the responsibility or the authority, either at the school or in the community, to assess . . . You know, if there's a group of folks within 50 metres of a school engaging in some sort of action, where does that responsibility fall? Who makes the phone call? Who makes the call? Has that been thought through?

**Mr. Jensen:** — Yes, we have. We're communicating with school divisions and independent schools that if there is a demonstration or a protest happening within the 50 metres to be in contact with local law enforcement, similar to how they have been working through any of the various public health orders. *The Education Act* also sets out what the enforcement procedures are and the potential fines related to breaching this safe zone. Those enforcement procedures range up to fines of \$10,000.

So really what it would be is similar to any other disturbance

that's happening at the school, is the school administration would contact local law enforcement to enforce the provisions in this bill.

**Ms. Beck:** — Thank you. It's noted, I think, in the explanatory notes that there is the ability to extend that 50-metre zone in certain situations. It can impinge upon private property and maybe some schools are on a smaller tract of land than others. Who makes that assessment? Who's going to make that assessment to reduce or to increase the zone around a school?

[17:45]

**Hon. Mr. Duncan:** — So thanks for the question. It's a good question. So knowing that obviously the footprint of every school is a little bit different across the province, so schools and school divisions will be working to assess if there are parts of the school or school grounds that in terms of the operations of the school — the coming and going of kids or supplies, that sort of thing — if they potentially could be impeded and are outside of that 50-metre zone, then we would obviously have a follow-up discussion with the school division that has identified that. And then expand that zone to include that particular area.

So thinking of things like pick-up and drop-off zones, depending on where they are located on the school grounds and within the footprint of the school grounds. So those are the things that are intended by that.

**Ms. Beck:** — Thank you for that. I'm nearing the end of the questions that I had. But I did have a similar question as my colleague had with regard to the health care bill, and that is if the intent of the bill is to preclude anyone not defined to a certain protest from impeding children from attending school — or school-based staff or parents — I'm wondering why we have a sunset clause in this bill.

**Hon. Mr. Duncan:** — Thanks for the question, Ms. Beck. So I think certainly the amendments, I think, reflect the time that we're living in right now, and it's certainly, I think, everybody's hope that at some point life is going to go back to whatever normal looks like as quickly as possible. We are also mindful of the reasonable limitations as it relates to section 1 of the Charter. And so I think there was a view that without a sunset clause, it would make it more difficult if it ever came to a defence of the amendment. And so this I think tries to achieve that balance of the reality of what we're living in right now, but also the reasonability test when it comes to the Charter and the possibility that this could get tested.

**Ms. Beck:** — Thank you for that. I think what will be my final question, or at least final set of questions, is around the definition of those buildings that are protected in this bill, specifically being schools. And independent schools are noted as well.

One of the questions that I've been asked is about protection for off-site learning for our students. Perhaps, you know, some may be undertaking training or have events like, I remember the art show at Regina Public School Board office, for example. I suppose that's after hours. But why the scope was left to schools and independent schools and if there was consideration for buildings such as board offices? I know at least two occasions that I'm aware of where there have been protests at school board

offices. If that was considered, and perhaps if you have comments about why that was not introduced in this bill?

**Hon. Mr. Duncan:** — Thanks for the question. And I think again it goes back to the previous question and answer really looking at, first and foremost, the intent and that's to provide children across the province and those that are educating them with a zone that is free of intimidation and harassment. I think it goes to, again, ensuring that we have something that will stand a potential challenge and so something that can meet the standard of a reasonable limitation.

I think the challenge is — and you've identified a couple of them — but I think a challenge that we would find in that aspect is that education happens in a lot of places not just a school, including this building. We had a school group here just today. And so the list of places that could be considered providing as a part of a student's education could become quite lengthy and then again open things up to a potential challenge.

And so we really wanted to focus on . . . Where is the vast majority, the bulk of the time that a student spends? It's in a school. It's in a classroom. But understand full well that that's not the extent of where a student's education takes place, but trying to balance off providing that protection but also having something that potentially could withstand a challenge.

**Ms. Beck:** — Thank you. Thank you for that, Minister. Great education takes place everywhere, so I certainly understand that. I think one thing that I would be remiss not pointing out is just, you know, the position that those boards are in, and some of the pressures and direct, well, actions that have been taken with regard to lobbying and protests.

And I'm not hearing a lot of calls for board offices to be protected, but just an acknowledgement that, you know, those difficult decisions are falling at their tables and that they've been, you know, target of a lot of this activity as well. And I just, I guess I wanted to get on the record that that's seen, it's appreciated, and that I hope that they continue to be safe and have the supports that they need to do so.

I think that I'm prepared to wrap up my remarks here. Look to the Chair for direction, if he'd like me to make a closing comment now or let the minister make closing comment and then myself.

**The Chair:** — It's really up to you, but we usually we do them right at the end here.

**Ms. Beck:** — I will conclude. Minister, sincerely I do, to you and your officials, I do appreciate the opportunity. As I said, we don't . . . And when we have luxury of time, we like a lot of oversight. But I don't think we have the luxury of time here, and I do appreciate the urgent nature of this bill and the need for these protections. So I don't want to hold it up further. And yeah, thank you to all who, I'm sure in a bit of a hurry, brought this to us to ensure that we have the best protection we can afford children at their place of learning. So thank you.

**The Chair:** — Thank you very much, Ms. Beck. Are there any more questions or comments from any committee members? Seeing none, we will proceed to vote on the clauses.



Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

[Clause 1 agreed to.]

[Clauses 2 and 3 agreed to.]

**The Chair:** — All right. Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Education (Safe Access to Schools) Amendment Act, 2021*, a bilingual bill.

All right, I would ask a member to move that we report *The Education (Safe Access to Schools) Amendment Act, 2021*, a bilingual bill, without amendment. Mr. Nerlien moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Agreed. Carried. Minister, do you have any closing comments?

**Hon. Mr. Duncan:** — Just very quickly to the committee, thank you to the members of the committee for taking this bill up in a pretty quick fashion; to Ms. Beck, to you and to your colleagues for agreeing to move this forward as quickly as we have; and to Rory Jensen here from the ministry and all the ministry officials that have worked with the entire education sector and our legal folks as well to bring this forward. So thank you very much.

**The Chair:** — Thank you, Mr. Minister. Ms. Beck?

**Ms. Beck:** — Thank you, Mr. Chair. I believe I had the opportunity to wrap up my comments, and I'm just pleased to allow this bill to be in force as soon as possible.

[18:00]

**The Chair:** — Well thanks very much both to the minister, the critic, officials, and colleagues on the committee. We will have a brief pause before we have consideration of Bill 60. We do have to finish by 6:45 today, so we'll move quickly to begin the next bill. Thank you.

[The committee recessed for a period of time.]

### **Bill No. 60 — *The Saskatchewan Employment Amendment Act, 2021***

#### **Clause 1**

**The Chair:** — All right. Thank you, committee members. We will now have consideration of Bill No. 60. We'll begin our consideration of Bill 60, *The Saskatchewan Employment Amendment Act, 2021*, clause 1, short title. Minister Morgan is here with his officials. Mr. Minister, please introduce your officials and make your opening remarks.

**Hon. Mr. Morgan:** — Thank you, Mr. Chair. Good evening. I am joined tonight by chief of staff, Jared Dunlop; Greg Tuer, deputy minister of Labour Relations and Workplace Safety; Sameema Haque, assistant deputy minister, programs division;

and Louise Usick, executive director, corporate services. Before we engage in a conversation about Bill 60, I would like to make some very brief remarks.

A lot of thought has gone into amendments to *The Saskatchewan Employment Act* to ensure that we are putting forward legislation that reflects modern workplaces in our province. This bill makes three amendments to the Act including clarifying that any unwelcome action of a sexual nature constitutes harassment. In addition, the harassment provisions will now cover contractors, students, and volunteers.

The second amendment removes the requirement for the Labour Relations Board to exclude supervisory employees from the same bargaining unit as those they supervise unless the employer and union have entered into an irrevocable election. Instead the board will be given authority to determine the appropriate bargaining unit which may include a unit comprised only of supervisors. Additionally, transition provisions have been included which authorize the board to hear applications from employers or unions to amend certification orders which remove supervisors from the existing bargaining units.

The third amendment introduces a provision that will provide liability protection for public and private sector employers that comply with the new COVID-19 vaccine regulations.

Since *The Saskatchewan Employment Act* was enacted in 2014, we've been reviewing parts of the Act on a regular basis and listening closely to employers and employees about what they need. By putting forward amendments to *The Saskatchewan Employment Act*, we are ensuring that the legislation addresses inequalities and sets us on a path to see beyond the pandemic to a future of growth while protecting vulnerable workers.

I believe with these amendments we are creating a fair and balanced environment for employers and workers that is safer and healthier not just for today but into our future. With that, Mr. Chair, I'd be happy to answer any questions that you have on Bill 60.

**The Chair:** — Thank you, Mr. Minister. Ms. Beck?

**Ms. Beck:** — Thank you, Mr. Chair. And thank you to the minister and to your officials for being here with us this evening. I do understand that we have some time limitations, so I'll attempt to be succinct.

Minister, in August to October the 18th of this year, there was the review of section 3 of *The Saskatchewan Employment Act*, and a number of questions asked in the documents that were sent out around that consultation. Some of them we see addressed here, specifically the harassment language, for example.

I guess the first question I'm asking is, did this bill come directly out of those consultations? And will we be seeing . . . Were there additional changes that were contemplated and that we'll either be seeing later or continue to be contemplated coming out of those?

**Hon. Mr. Morgan:** — I'll let Mr. Tuer give some better specifics than I will. No, not specifically. I'd been approached by a number of people over the last number of months that the provisions that

we had in our legislation were not adequate with regard to sexual harassment. So I was fully expecting that the consultation would bring about a clear direction for that.

But prior to that, I had made a determination . . . [inaudible] . . . and I think probably mentioned that to a number of people that we were going to do . . . [inaudible] . . . The consultation period has just ended in the last few days. And there would be several hundred submissions that would have been supportive of that, but I don't think that they have as yet had time to go through and catalogue out and sort out all the detail that would have been in that. But my guess is that all of those submissions would have been supportive.

The submissions came from individuals, from organizations, and from a variety of different sources, probably ones that you would be aware of as well, but some of the larger public unions and a number of others that did. But no, it was something that people had raised with me some time earlier. And I'm aware that you and other members of your party were supportive of it and had reached out, and I thank you for that.

**Ms. Beck:** — Thank you, Minister, and I appreciate that explanation. Certainly, I think we probably spoke to some of the same people about expanding the scope of those protected by the employment Act, in this case specifically the provisions around harassment and making it explicit that sexual harassment is prohibited. And I know that that inclusion here is welcomed by those who were seeking those provisions, so I do want to acknowledge that.

When those stakeholders were coming to us, one of the things that they were pointing to, I believe, is Bill 132 out of Ontario that they've modelled some of their asks on. So it certainly does define sexual harassment in the workplace and also includes domestic violence. And then the other piece of that has some requirements for employers to be aware of the definition and how to support those claims, how to investigate those claims. And I'm just wondering if that's something that was contemplated here or something we might see at a later date.

**Hon. Mr. Morgan:** — This bill was presented in a context. We wanted to do it out of turn rather than wait until the consultation was complete and we'd done an exhaustive review. We did have a chance to look at some of the other provisions in other jurisdictions, particularly you'd mentioned the Ontario one. And it may be something we want to look at as we go through the formal review and analysis because the Act will be open again, but we wanted to have something in place right now.

You raise specifically domestic violence and the obligation on it, and we felt that was something if we were going to consider that—and we should—that we would want to be able to do a really careful job of doing the consultation and the understanding and what resources might be necessary to have that.

So we've introduced the bill in this present form, but it may be that we want to have a look at that. We may well want to decide what other provisions are necessary in other legislation for protection around domestic violence, or whether it's a resource issue, or other supports that are there.

But the points that you raise regarding the need for wanting to

look at that, we take those seriously.

**Ms. Beck:** — Thank you, Minister. And I'm very pleased to hear that that door is open. And I do take note of the white ribbons and do appreciate that show of support here this evening . . . I'm not putting on the record who is wearing. I'm not wearing one either, although I wish I were. It is appreciated, and I'm genuinely very pleased to hear that there may be more coming. And I know that there are a lot of advocates out there who would be thrilled to be part of that discussion and perhaps already have their submissions on your desk at this point. So I'm very, very pleased to hear that.

Of course the other provision, the second provision here is around . . . I'll use the word "rectifying" the supervisory positions, the requirement that they be in a separate bargaining unit, of course something that came in in 2014. At least two instances where that was shown to be problematic at the labour board: with the Saskatoon Public Library and with ASPA [Administrative and Supervisory Personnel Association], in both cases with CUPE [Canadian Union of Public Employees].

I guess, Minister, I wanted to give you the opportunity to speak to why we see the changes that are introduced in this bill. I think in the CUPE brief, there were at least three options or suggestions that were made about how to rectify this legislation. Just if you could speak to why we see it now and why you chose the language that we see here.

**Hon. Mr. Morgan:** — In 2014 when the bill was passed, the purpose was to address the possibility of a shop steward and an employee . . . and a shop steward having to go, have the bargaining unit where the employee may be the representative of the shop steward where there was a supervisory or a quasi-supervisory position. So the purpose of it was to try and prevent the situation where you were a supervisor by one day and an employee by the next, and you know, the position of the roles. So since the bill has come into place, there has been 45 or 50, 47 orders made which allowed the supervisory workers to either create their own bargaining unit or move out of scope or enter into the irrevocable election.

So when CUPE launched a court challenge, we were of the view that there was problems with the bill, that it did not adequately reflect current jurisprudence with regard to an employee's constitutional right to have representation or to select their own bargaining unit.

So we looked at a variety of different options to try and satisfy the purpose that the bill or the law originally had and also satisfy what we felt was the changing jurisprudence. It was our view that we couldn't, and that the best thing we could do would be to repeal the section.

[18:15]

In the course of repealing it, we had discussions about how it would impact the 47 groups that had already entered into it, a number of them being universities or larger public sector employers. So anyway, we chose to go this particular path because it wasn't prescriptive by government about what should take place. It rather said, the section's being repealed and it gives the parties the ability to go back to either renegotiate how they

would want to have things done in the future, or alternatively to make an application to the Labour Relations Board for a determination.

I haven't had any recent conversation with the Labour Relations Board, nor will I, but my understanding is that the officials in the ministry have had some discussions, that this may be something that will be landing on there and be ready for whatever time constraints it might pose.

**Ms. Beck:** — So I believe you stated there were 47 instances of agreements that have been entered into and the bill . . .

**Hon. Mr. Morgan:** — Orders or agreements. Not necessarily agreements, but there was 47 situations where action was taken pursuant to the Act.

**Ms. Beck:** — Okay. Was there consultation with those 47 groups, and was there any consensus about what they wanted to see happen?

**Hon. Mr. Morgan:** — Not from the employee groups. There was some from the employer groups that were mixed opinions, that either wanted . . . either being ambivalent about it or wanting us to keep the provisions in. They felt it was workable. But that, in our view, was not a satisfactory resolution for it.

**Ms. Beck:** — Okay. Thank you. Of course, the other substantive piece of this bill is around protections for employers — public and private sector — who are following regulations around requirements for vaccine or proof of negative tests. I think that part is self-explanatory. The one question that I did have, if the employer chose to go above what's prescribed by public health order, is there protection that is offered under . . . So only if they're sticking to the . . .

**Hon. Mr. Morgan:** — If the employer chose to not allow the negative test, if they said you must be vaxxed, they would not be able to avail themselves of this section. They may or may not have other defences. But this section only applies to the situation where the employer gave the employee the choice of full vaccination or the negative test.

**Ms. Beck:** — It's like the proof of vaccination then . . . [inaudible] . . . had questions about. So the proof of vaccination that I'm aware of includes, you know, the wallet cards. Is that what's contemplated here, or are employers able to have a higher standard of what they require for proof of vaccination?

**Hon. Mr. Morgan:** — At the present time, the employer would be able to rely on either the app or the wallet card. I don't know whether there's going to be a movement at some point in time to move away from the wallet card, or some more secure method. But both of those are acceptable use at the present time.

**Ms. Beck:** — And the test that's prescribed being both a PCR [polymerase chain reaction] test or . . . Are employees able to present a proof of rapid test, a negative rapid test, or does it need to be PCR?

**Hon. Mr. Morgan:** — The individual employer would still be able to stay within the scope of this section and they would have the choice of what they chose to do. The discussion at the time

was employers in remote locations may have employees that would not have access to a PCR test, so a rapid test would be able to be used in those circumstances. So the choice was left with the employer to try and resolve which test and how it was done.

**Ms. Beck:** — As part of your consultation . . . And I do appreciate the need. It's certainly something that, you know, I've spent time and been privy to a number of conversations about obligations of employers and unions as well in this regard. In your consultations, Minister, were there concerns that these thresholds . . . that they would want to see a higher threshold and therefore higher protection to protect . . .

I'm thinking, you know, one instance I'm thinking of is a mine where, of course, if you had someone who was ill who came in who had a wallet card and didn't have a higher level of proof of their status. You know, a mine shutdown is a very serious thing of course. Is this deemed adequate, or is there perhaps some pressure to increase the protections here?

**Hon. Mr. Morgan:** — Is your question regarding additional proof or whether . . .

**Ms. Beck:** — Protection for additional measures is what I'm asking.

**Hon. Mr. Morgan:** — We had some people, some employers asked us whether we would consider amending it so that the protection would be there if they required only the double vaccination and not a negative test. And we chose not to do that. We were of the view that it was the employee's right to be able to elect which one they wanted to. And we haven't had, that I'm aware of, anybody that's sought anything different. But that was an issue when we went into it.

**Ms. Beck:** — Thank you. I think that I've had the opportunity to ask the questions that I had. As I did say, Minister, it is appreciated when you're introducing legislation, as you do, that you give a thorough explanation of the reasons why we see the bill and clause by clause. And I've seen the fact sheet as well which is, I'm sure there are a few folks here who had a hand in that, and I do appreciate that.

And again on behalf of certainly myself and my colleague from Regina Douglas Park, but also the really inspiring advocates that we saw within the creative industries, thank you for bringing specifically the harassment language forward in a quick fashion and encouraging a whole group of young people to speak out when they see something that needs changing. Because I think you've inspired . . . Their successes has inspired them, and I think that's something to be celebrated. So I just want to say thank you for that. And with that, I'll conclude my questions.

**The Chair:** — All right. Thank you, Ms. Beck. Are there any more questions or comments from any committee members? Seeing none, we will proceed to vote on the clauses. Clause 1, short title, is that agreed?

**Some Hon. Members:** — Agreed.

[Clause 1 agreed to.]

[Clauses 2 to 9 inclusive agreed to.]

**The Chair:** — Her Majesty, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows: *The Saskatchewan Employment Amendment Act, 2021*.

I would now ask that a member move that we report *The Saskatchewan Employment Amendment Act, 2021* without amendment. Mr. Meyers moves. Is that agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. Minister, do you have any closing comments?

**Hon. Mr. Morgan:** — Thank you, Mr. Chair. I'd just like to take this opportunity to thank you, the committee members, the building staff, the Legislative Assembly Services folks, the people in broadcast services, security, and Hansard for the work that they do and the fact they're working evenings, and that is very much appreciated.

I think, Mr. Chair, it's always appropriate in these things to thank the officials from the ministry that spend . . . Probably for every minute they're here, they probably spent two hours getting ready. So I want to thank all the people, the ministry staff, for the good work they do, not just in getting ready for this committee but that they do all year round in keeping our province the great place it is. And that actually extends beyond just this ministry to all of the civil service. So thank you, Mr. Chair.

**The Chair:** — Thank you, Mr. Minister. Ms. Beck.

**Ms. Beck:** — Thank you, Mr. Chair. And thank you to the minister and to your officials. I did have some concluding remarks already, but I wanted to extend thanks and also congratulations to all of those who had pushed for some of these changes that we see here today. I think of Lori at the SFL [Saskatchewan Federation of Labour] who is particularly excited to see the harassment language included here, Minister.

And again, thank you. I'll echo your sentiments both on the folks in the building and who make this broadcast and committee possible but also to all of those . . . I always am aware that folks really prepare a great deal for committee. I think I've tried this with you, Minister, before, tried to ask if there's any questions that they prepared for that I didn't ask and give them that opportunity. But he doesn't usually let folks do that, so I just want to say thank you and I appreciate your work and for being here this evening.

**The Chair:** — Nice try by the critic, hey? Yeah, you betcha. Thank you to everyone for your work involved and to officials and colleagues. That concludes our business this evening. I would ask a member to move a motion of adjournment. Mr. Domotor has moved. All agreed?

**Some Hon. Members:** — Agreed.

**The Chair:** — Carried. This committee stands adjourned until the call of the Chair.

[The committee adjourned at 18:27.]